

**Consultancy: Institute of Public
Policy Research and
Development (IPPRD)—Kashmir**



**Trial and Error Model
On**

Kashmir Conflict

Jammu and Kashmir is situated between 32°-15' to 37° -05' latitude north and 72° - 35' to 80° -20' longitude east and is commonly known as Kashmir—the princely state of 1947. It is bounded by China in north and east, Afghanistan in north – west, Pakistan in west and in south by India and has complex physiographic divisions, consisting of—Poonch and Jammu, with two further subdivisions- Shivalik; Sub-Himalayan zone— Pir Panjal range— Valley of Kashmir; blessed with a fertile soil, glorious climate, grand mountains, fine rivers and lovely lakes—main Himalayan mass— Gilghit-Hunza.

Key Abbreviations/ Words :

UNCIP , UN Charter, Karachi Agreement, UNMOGIP, POW's, ICPI, Home Front, Al-Fatah, NLF,JKLF, H.M, LeT, JeM ,PF, YL, YML,PL,PRF, MeA, eT,JeI,PC,TeH,NC,PDP,INC, BJP, CPI(M), BNC, CSRs, CAA, NNA.

Back Ground : In August 1947, India and Pakistan became independent. Under the scheme of partition provided by the Indian Independence Act of 1947, Kashmir was free to accede to India or Pakistan, even some historians say about remaining Independent, however, Kashmir remained a country in itself for just 73 days since 14th August 1947 to 27th October 1947.

Its accession to India in nuance with tribal raid, became a matter of dispute between the two countries and fighting broke out later that

year. Whether Maharaja was forced for the accession or did on the basis of religion or carried out in a treacherous manner, but the response of Lord Mountbatten about accession saying the question of accession should be decided in accordance with the wishes of the people . Furthermore, in August just after partition, standstill agreement of Maharaja was accepted by Pakistan accommodating Independent status of Kashmir. Unfortunately, Kashmir remained mired, in the political offices of New Delhi and Islamabad.

Argument: On 20th January 1948, the Security Council adopted resolution 39 ,establishing the United Nations Commission for India and Pakistan (UNCIP) to investigate and mediate the dispute. On 21 April 1948, by its resolution 47 , the Council decided to enlarge the membership of UNCIP and to recommend various measures including the use of observers to stop the fighting. The resolution was passed by United Nations Security Council under chapter VI of UN Charter. Resolutions passed under Chapter VI of UN charter are considered non-binding and have no mandatory enforceability as opposed to the resolutions passed under Chapter VII.

At the recommendation of UNCIP, the Secretary-General appointed the Military Adviser to support the Commission on military aspects and

provided for a group of military observers to assist him, at the same time resolution 51(1948) of 3 June, 1948 was passed.

On August 13, 1948, the resolution (S.995) asked both countries for the cessation of fighting in the State of Jammu and Kashmir. The resolution had three parts. In the first part, both countries were asked to implement the ceasefire by issuing necessary ceasefire orders to the forces under the respective command of each country by an earliest possible date. In the second part, both countries were to accept certain principles for a Truce Agreement. In the third and the final part, the resolution made clear the decision for the future of the state would be through Plebiscite, where the people of the state would determine their right of self-determination.

In the UNCIP resolution(S/1430) of the January 5, 1949, it was made amply clear that, "The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite.

The first team of unarmed military observers, which eventually formed the nucleus of the United Nations Military Observer Group in India and Pakistan (UNMOGIP), arrived in the mission area in January 1949 to supervise, in the State of Jammu and Kashmir, the ceasefire between India

and Pakistan and to assist the Military Adviser to UNCIP.

The tasks of the observers, as defined by the Military Adviser, were to accompany the local authorities in their investigations, gather as much information as possible, and report as completely, accurately and impartially as possible. Any direct intervention by the observers between the opposing parties or any interference in the armies' orders was to be avoided. These arrangements remained in effect until the conclusion of the Karachi Agreement on 27 July 1949 establishing a ceasefire line to be supervised by UN military observers.

The Karachi Agreement specified that UNCIP would station observers where it deemed necessary, and that the ceasefire line would be verified mutually on the ground by local commanders on each side with the assistance of UN military observers. Disagreements were to be referred to the UNCIP Military Adviser, whose decision would be final—even— Sir Owen Dixon, a world renowned jurist of Australia was appointed as a mediator and he subscribed well known Dixon plan on Kashmir resolution.

Resolution 80(1950) of 14 March, 1950, considering that the resolution of the outstanding difficulties should be based upon the substantial measure of agreement on fundamental principles already reached, and that steps should be

taken forthwith for the demilitarisation of the State and for the expeditious determination of its future in accordance with the freely expressed will of the inhabitants.

On 30th March 1951 (S/2017/), following the termination of UNCIP, the Security Council, by its resolution 91 (1951) decided that UNMOGIP should continue to supervise the ceasefire in Jammu and Kashmir. UNMOGIP's functions were to observe and report, investigate complaints of ceasefire violations and submit its finding to each party and to the Secretary-General and affirming that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle.

Resolution 126 (1957) adopted by the Security Council at its 808th meeting on 2 December, 1957, pursuant to its resolution 123 (1957) of 21 February, 1957, besides all the past resolutions and resolution 122 (1957), adopted by the Security Council at its 765th meeting on 24 January, 1957 was similar and even focused on resolution (S/2017) 1951.

In the meantime, the Indo-Pak War of 1965 was a culmination of

skirmishes that took place between April 1965 and September 1965 between Pakistan and India.

This conflict became known as the Second Kashmir War and was fought by India and Pakistan over the disputed region of Kashmir, the first having been fought in 1947. The war began following Operation Nusrat to identify the gaps in CFL— and Operation Gibraltar— designed to infiltrate armed volunteers into Jammu and Kashmir to precipitate a revolt against Indian rule and to defreeze Kashmir dispute and make it a conflict. The five-month war caused thousands of casualties on both sides. It ended in a United Nations (UN) mandated ceasefire and the subsequent issuance of the Tashkent Declaration, which was a turning point and changed the mindset of intelligentsia of Kashmir and to look for other alternatives mainly independence, later on this idea became a common sentiment as already in 1947 the first and the last Kashmiri Prime Minister of Maharaja Hari Singh wishes that Kashmir should remain an Independent country besides several other political leaders.

The report of the Secretary-General on developments in the situation in Kashmir since the adoption of Security Council resolution 209 (1965) of 4 September 1965 calling for a cease-fire. United Nations Security Council Resolution 210, adopted unanimously on September

6, 1965, after receiving a report by the Secretary-General on the developments in the situation in Kashmir, the Council called on the parties to cease hostilities in the entire area of conflict immediately and withdraw all armed personnel to the positions they held before August 5, 1965 and on 27 September 1965 adopted resolution no 214 without vote, calling for ceasefire between India and Pakistan.

On one occasion, at the end of 1971, hostilities broke out again between India and Pakistan. They started along the borders of East Pakistan and were related to the movement for independence which had developed in that region and which ultimately led to the creation of Bangladesh.

When a ceasefire came into effect on 17 December 1971, a number of positions on both sides of the 1949 ceasefire line had changed.

Resolution 303 (1971) adopted by the Security at its 1606 meeting on 6th December 1971, decides to refer the question contained in documents (S/Agenda/1606) to the General Assembly at its twenty-sixth session, as provided for in Assembly resolution (377 A [V]) of 3 November 1950, which again build on the same 13 Aug 1948, United Nations Security Council Resolution 307, adopted on December 21, 1971, after hearing statements from India and Pakistan, the Council demanded that a durable cease-fire be observed

until withdrawals could take place to respect the cease-fire line in Jammu and Kashmir, supervised by UNMOGIP. The Council also called for international assistance in the relief of suffering and rehabilitation of refugees as well as their return home and a request for the Secretary-General to keep the council informed on developments.

The Security Council met on 12 December, and on 21 December adopted resolution 307 (1971) as already stated, but doesn't refer to any Kashmir specific inquiries, instead talks of 1949 Geneva Conventions for Pakistani POW's.

Given the disagreement between the two parties over UNMOGIP's mandate and functions, the Secretary-General's position has been that UNMOGIP could be terminated only by a decision of the Security Council. In the absence of such an agreement, UNMOGIP has been maintained with the same arrangements as established following December 1971 ceasefire.

The tasks of UNMOGIP have been to observe, to the extent possible, developments pertaining to the strict observance of the ceasefire of 17 December 1971 and to report thereon to the Secretary-General.

On 2nd July 1972, India and Pakistan signed an agreement defining a Line of Control in Kashmir which, with minor deviations, followed the same

course as the ceasefire line established by the Karachi Agreement in 1949, there had been severe resentments against the agreement in Azad Kashmir shown by Kashmiri nationalists especially JKNLF, headed by Maqbool Bhat. On the other hand, India took the position that the mandate of UNMOGIP had lapsed, since it related specifically to the ceasefire line under the Karachi Agreement. Pakistan, however, did not accept this position.

The military authorities of Pakistan have continued to lodge complaints with UNMOGIP about ceasefire violations. The military authorities of India have lodged no complaints since January 1972 and have restricted the activities of the UN observers on the Indian side of the Line of Control. They have, however, continued to provide accommodation, transport and other facilities to UNMOGIP.

Some Suitable Agreements: The India-Pakistan Non-Attack Agreement(NNA) is a unique bilateral agreement that expands, in a sense, the scope of Articles 56 and 15 of the first and second protocols to the Geneva Convention. These articles state, "Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause

the release of dangerous forces and consequent severe losses among the civilian population."

The agreement, which was signed on December 31, 1988 and entered into force on January 27, 1991, says that the two countries inform each other of nuclear installations and facilities to be covered under the Agreement on January 1 of every calendar year. Pakistan and India also exchange the lists of prisoners under the Consular Access Agreement(CAA) between the two countries.

Lahore Declaration is a bilateral agreement and governance treaty between India and Pakistan. The treaty was signed on February 21, 1999, at the conclusion of a historic summit in Lahore, and ratified by the parliaments of both countries in the same year.

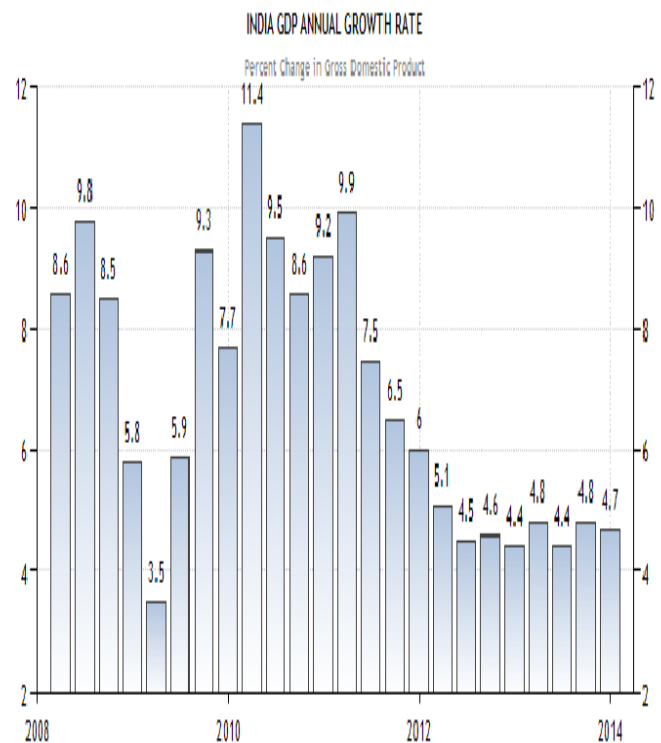
Under the terms of the treaty, a mutual understanding was reached towards the development of atomic arsenals and to avoid accidental and unauthorised operational use of nuclear weapons. The Lahore Declaration brought added responsibility to both nations' leadership towards avoiding nuclear race, as well as both non-conventional and conventional conflicts. This event was significant in the history of India and Pakistan, it provided both countries an environment of mutual confidence. In a much-covered televised press conference in both countries, Prime Minister Nawaz Sharif and Prime

Minister Atal Bihari Vajpayee signed the treaty. It was the second nuclear control treaty signed by both countries and pledged to continue the use of the first treaty.

Economic Dimension :--

a) **Indian Scène:** The Gross Domestic Product (GDP) in India expanded 4.70 percent in the fourth quarter of 2013 over the same quarter of the previous year. GDP Annual Growth Rate in India is reported by the Ministry of Statistics and Programme Implementation (MOSPI). GDP Annual Growth Rate in India averaged 5.84 Percent from 1951 until 2013, reaching an all time high of 11.40 Percent in the first quarter of 2010 and a record low of -5.20 Percent in the fourth quarter of 1979.

While it has shown considerable potential in its performance on economic indicators such as GDP, India has yet to improve its position on the HDI to realize the potential that GDP has to offer. The country remains at the bottom of the ladder in terms of HDI. According to UN India's Human Development Report, India is in the medium human development category and is ranked 134 among 187 countries. But, why is an emerging economy like India doing so badly on human development index, is still a challenge.

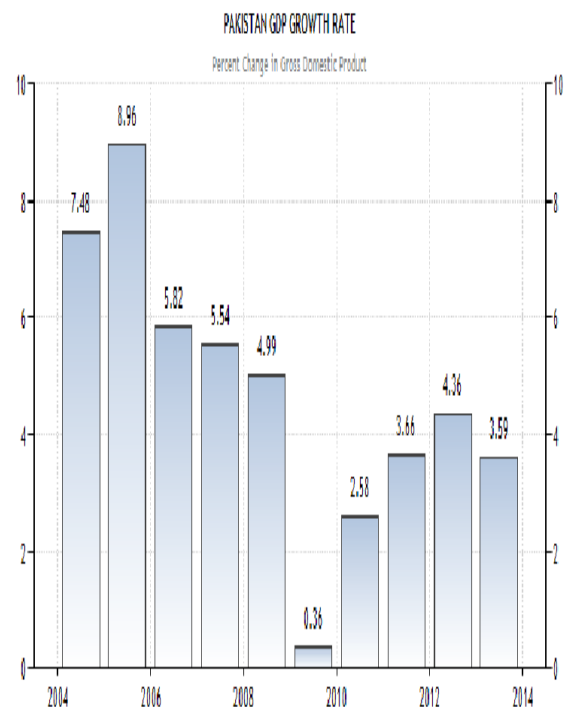


SOURCE: MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION (MOSPI)

India - Human Development Index				
Date	HDI	HDI - Health	HDI - Education	HDI - Income
2012	0.554	0.722	0.459	0.515
2011	0.551	0.717	0.459	0.510
2010	0.547	0.711	0.459	0.503
2009	0.540	0.706	0.454	0.492
2008	0.533	0.700	0.450	0.482
2007	0.525	0.694	0.437	0.479
2006	0.515	0.689	0.426	0.467
2005	0.507	0.683	0.419	0.456
2000	0.463	0.656	0.365	0.418
1990	0.410	0.605	0.318	0.366
1980	0.345	0.557	0.232	0.321

b) Pakistani Scene : The Gross Domestic Product (GDP) in Pakistan expanded 3.59 percent in the fiscal year 2012-13 from the previous year. GDP Annual Growth Rate in Pakistan is reported by the Pakistan Bureau of Statistics. GDP Growth Rate in Pakistan averaged 4.94 Percent from 1952 until 2013, reaching an all time high of 10.22 Percent in 1954 and a record low of -1.80 Percent in 1952.

The UNDP in 2013 launched its annual global Human Development Index (HDI) along with the report at a ceremony in Islamabad. The HDI ranks countries in terms of economic and human development indicators. No one was really surprised to learn that Pakistan's HDI value for 2012 is 0.515 (in the low human development category), which ranked the country at 146 out of 187 countries and territories. The rank is shared with Bangladesh and is just ahead of Angola and Myanmar. The world has certainly changed a lot since the first Human Development Report was launched in 1980 – it was conceived by the brilliant Pakistani intellectual Dr. Mahbub Ul Haq, who pioneered with the Nobel Laureate Amartya Sen, the concept of “human development”.



SOURCE: PAKISTAN BUREAU OF STATISTICS

Pakistan - Human Development Index				
Date	HDI	HDI - Health	HDI - Education	HDI - Income
2012	0.515	0.721	0.397	0.479
2011	0.513	0.717	0.397	0.477
2010	0.512	0.713	0.397	0.475
2009	0.508	0.709	0.394	0.471
2008	0.502	0.705	0.385	0.467
2007	0.498	0.702	0.379	0.467
2006	0.488	0.698	0.362	0.461
2005	0.485	0.695	0.360	0.456
2000	0.419	0.680	0.288	0.429
1990	0.383	0.642	0.241	0.417
1980	0.337	0.597	0.211	0.381

Present situation can be best demonstrated in Fig. X

Note: Average earning half a dollar per day (LMC+AMC)

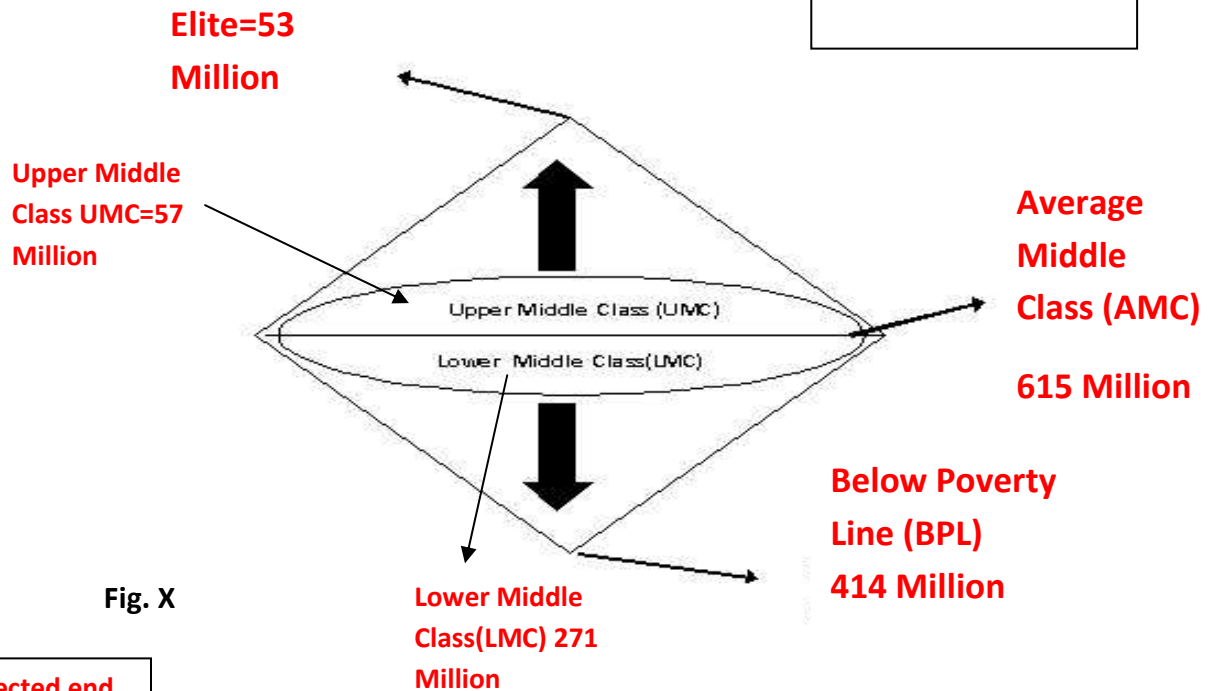


Fig. X

*Projected end of 2014-2015

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If India and Pakistan continue to remain in the mesh and marsh of uncertainty , then India's position will be (shown in Fig. R). Same will the case of Pakistan , societies of both the countries will face vertical division, process of social relations will get polarised, religious faiths will get compartmentalised into elite and poor with their own interpretations of ' confused ignorance', and a war within will start at any point of time.

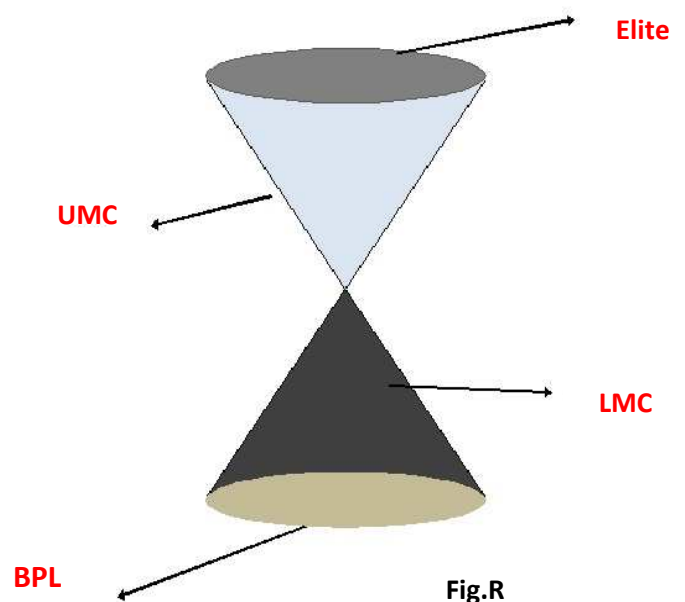


Fig.R

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"Religious faiths will get compartmentalised into elite and poor with their own interpretations of ' confused ignorance', and a war within will start at any point of time."

Water Dimension: The partition of the Indian subcontinent created a conflict over the waters of the Indus basin. In 1951, David Lilienthal wrote an influential article in *Colliers* magazine suggesting that the World Bank use its good offices to bring India and Pakistan to an agreement over how to share and manage the river system. The President of the World Bank, Eugene R. Black, agreed to act as a conduit of agreement between the two states. Finally, in 1960, after several years of arduous negotiations did an agreement take form. Even today, the Indus Waters Treaty is the only agreement that has been faithfully implemented and upheld by both India and Pakistan.

Indus Waters Treaty(IWT)—signed in Karachi on September 19, 1960— the Government of India and the Government of Pakistan, being equally desirous of attaining the most complete and satisfactory utilisation of the waters of the Indus system of rivers and recognising the need, therefore, of fixing and delineating, in a spirit of goodwill and friendship, the rights and obligations of each in relation to the other concerning the use of these waters and of making provision for the settlement, in a cooperative spirit, of all such questions as may hereafter arise in regard to the interpretation or application of the provisions agreed upon herein, have resolved to conclude a Treaty in furtherance of these objectives, and for this purpose have named as their plenipotentiaries.

In 1990, nine years before he seized control of Pakistan in a military coup, Pervez Musharraf, then a brigadier studying at the Royal College of Defence Studies(RCDS) in London, presented a dissertation in which he analysed his country's relationship with India. " The argument differed from the public stance

taken by the Pakistani government in the last fifty years," wrote Sundeep Waslekar, president of the Strategic Foresight Group, a Mumbai— based think tank.

" The public debate has always focused on issue of terrorism, human rights, and the legality of accession . It has never linked the conflict to the rivers of Jammu and Kashmir. "But now it is common. At this time, you would have had a good amount of snow." (Stephan Faris, *Forecast: The Surprise—And Immediate— Consequences of Climate*, Henry Holt and Company, LLC, USA,2009, pp202-203).

In December 2001, when Indian Parliament was attacked, India blamed Pakistan and withdrew its High Commissioner, in protest. On the very next day, a high profile seminar was organized in Lahore on how to respond to the possibility of India using water as a weapon against Pakistan. It had snapped rail, road and air links but there was no reference to water. In Rawalpindi, Lahore and Karachi, there was little regret about the breaking down of rail, road and air links — the greatest apprehension was water. At a seminar in Karachi in the last week of December 2001, attended by ICPI, the only occasion when tensions rose, was when someone alleged that the Indian government had plans to use the water weapon. A participant warned that any conflict over water would lead to Pakistan using nuclear weapons on a first strike basis against India.

A month and half later, on February 8, 2002, the editorial of *Jang*, an Urdu daily, said that Pakistan's water scarcity could threaten relations between provinces and lead to a nuclear war against India. Since then, a lively debate has ensued in the Pakistani press, which continues till date with the President, Prime Minister, senior army officers and leaders of various

Kashmiri groups offering their views underlining the centrality of water in India-Pakistan relations.

For instance, in June 2002, Syed Salahuddin, chairman of the United Jihad Council, entered the debate. UJC is an umbrella organization responsible for coordinating the activities – known as liberation movements in Pakistan – of all Jihadi groups. Salahuddin was quoted in Ausaf on June 18, 2002: “Kashmir is the source from where all of Pakistan’s water resources originate. If Pakistan loses its battle against India, it will become a desert.” Since then in most public meetings that Salahuddin has addressed, he has emphasised that Kashmiri freedom fighters were actually fighting for Pakistan to enable it to gain control over Kashmir’s rivers.

On March 27, 2003, a senior officer of the Pakistan army, Lt General Zarar Azim, the then Corps Commander of Lahore, was quoted in Khabrain, saying: “Kashmir is our lifeline and its importance increases in view of our water security.”

In recent years, recurring water shortages in the country have led to shortfalls of grain .In 2008, flour shortages and rising food prices became an issue in Pakistan’s elections . The government deployed thousands of troops to guard its wheat stores. For [Pakistani] leaders, who refer to Kashmir as their country’s “lifeline,” leaving the region in Indian hands means ceding control of their waters to a country with which they have fought four wars. “ This water issue between India and Pakistan is the key of the problem, said a Kashmir based parliamentarian. “Much more than any other political issue or religious concern, water is the key.”(Stephan Faris, Forecast: The Surprise—And Immediate—

Consequences of Climate, Henry Holt and Company, LLC, USA,2009, p200)

On 30th April 2014 Pakistan’s Army Chief, General Raheel Shareef said that Kashmir is the lifeline of Pakistan.

On 9th May 2014, a study, conducted by Islamabad-based Jinnah Institute said that the Indus Water Treaty(IWT) between India and Pakistan that regulates the sharing of the river's waters has provided "a fairly successful model of conflict resolution", Ahmad Alam, a co-author of the study said.

However, it said, "The treaty has provided a fairly successful model of conflict resolution, although, its inadequacies on environmental flows and climate change may be addressed in a supplementary protocol in future".

It added that political distrust between India and Pakistan inhibits any real cooperation in the Indus Basin. Some experts on Kashmir conflict in Valley suggest for the progressive amendment to IWT under Article XII clause 3 and 4, saying:

—

- The provisions of this treaty from time to time to be modified by the duly ratified treaty concluded for that purpose between the two governments.

- The provisions of this treaty , or the provisions of this treaty as modified under the provisions of the paragraph (3) , shall continue in force until terminated by a duly ratified treaty concluded for that purpose between the two governments .

Furthermore, several neutral experts ask for the participatory role of Kashmir in IWT as per above provision, which can help to obliterate the ‘trust deficit’ between India

and Pakistan— to get away from the threat of nuclear confrontation.

Nuclear Dimension : Pokhran-II refers to the series of five nuclear bomb test explosions conducted by India at the Indian Army's Pokhran Test Range on 11 May 1998, code named, Operation Shakti. It was the second nuclear test since the first test, code-named Smiling Buddha, and had been conducted in May 1974. Pokhran-II consisted of five detonations, of which the first was a fusion bomb and the remaining four were fission bombs. These nuclear tests resulted in a variety of sanctions against India by a number of major states, including Japan and the United States, it is said that on 13 May 1998, two additional fission devices were detonated by India in the same area.

In a direct response to India's second nuclear tests, on 11 and 13 May 1998 and to maintain the balance of power, on 28 May 1998, Pakistan successfully conducted five underground nuclear tests codenamed Chagai-I at the Ras Koh Hills in the Chagai district of Pakistan's Baluchistan Province, , without any doubt, in the given situation Kashmir dispute has posed a potential threat to South Asia after India and Pakistan became nuclear powers, surely, Kashmir is a nuclear flash point between two countries, to which high altitude war of May-July 1999 is a classical example.

Now, the questions arise, whether, nuclear weapons of India and Pakistan are protecting their people or the people of both the countries in shape of Army etc are protecting the nuclear weapons, needs an answer from the political establishments of both countries.

Local Dimension: New Delhi has always made broken promises with Srinagar and Center-State Relations(CSRs), have always been unfriendly right from 27th October 1947— and— 9th August 1953 is a glaring example of eroding democratic norms demeaning constitutional sanctity of the state. Several experts say that the erosion of article 370 and the extension of central laws to the state have no constitutional validity, already there had been a strong anguish against New Delhi especially among the youth of Kashmir, right from the day of conditional accession with India. Several political and armed resistance groups came to fore for challenging New Delhi rule, like Home Front (1948-1952), Al-Fatah(1968-1971), NLF(1965-1977), and open armed revolt from 1988 actuated by Jammu Kashmir Liberation Front (JKLF) and still continues in the shape of Hizbul-Mujahiddin(H.M), Laskar-e-Toiba(LeT), Jaish-e-Mohammad(JeM), so on and so forth.

At resistance front, the major political parties who dared to challenge Indian rule, include, Plebiscite Front(PF)—converted into mainstream political party, National Conference led by Shaikh Mohammad Abdullah in 1974, Youth League(YL), Youngmen's League(YML), Peoples League(PL), People's Revolutionary Front(PRF), Mahaz-e-Azadi(MeA) formed by Sofi Mohammad Akbar[ex. prominent leader of PF, who revolted to Shaikh Mohammad Abdullah on 1975 Indira-Abdullah accord, which was the result of Beigh-Parthasarthy pact , saying that it a treason with people of Jammu and Kashmir], Jamait-e-Toilba(JeT) presently the students wing of Jamaai't-e-Islami(Jel), Peoples Conference(PC), now Tehreek-e-Hurriyat(TeH), led by Syed Ali Geelani, besides several other political resistance groups which emerged after 1988 armed revolt in Kashmir and new group

emergence still continues. At pro- India political front the main political parties include, National Conference(NC) formed in 1939, Peoples Democratic Party(PDP) formed in 1998, Indian National Congress(INC) formed in 1965, besides Communist Party of India Marxist CPI(M), Peoples Conference(PC), Bharaiya Janta Party(BJP), and several others.

Discussion: Positions always lead to unresolved conflicts. In the aggression format of 'Physical Direct Active', hostilities do occur on both sides and automatically give rise to splinter groups as a part of friction to the wide disagreements, even within the organisations and importantly in the society with the suspicion upon another, in that situation role of the leader comes but unfortunately in Kashmir none has emerged with such dynamism, at present situation is different—and needs the approach of 'transitional integrity'— by identifying and recognising the faults, importantly saying sorry to people—a move towards greater magnanimity— can help to alleviate the friction and give a positive vent to Broader National Consensus(BNC) vis-à-vis Kashmir dispute.

New Delhi at various stages adopted the tactics of avoidance see Fig Y1 ,

quite naturally it gave birth to approach tactics of Islamabad, in delusion India thought that Kashmiris are Pakistanis , the case with Pakistan was not different, see Fig.Y2

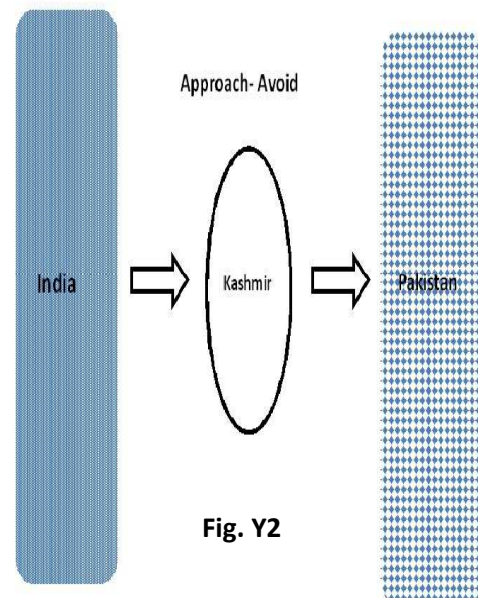


Fig. Y2

When both India and Pakistan adopted the tactics of avoidance , it gave birth to third option, actuated in 1947 and triggered after 1965 Indo-Pak war and the Tashkent Agreement became the point of reference, then the Shimla Agreement of 1972. Independent Kashmir is now the common sentiment, which needs to be addressed seriously see Fig.Y3 and to

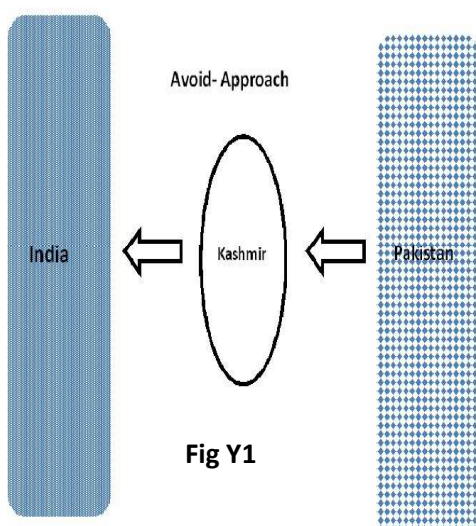


Fig Y1

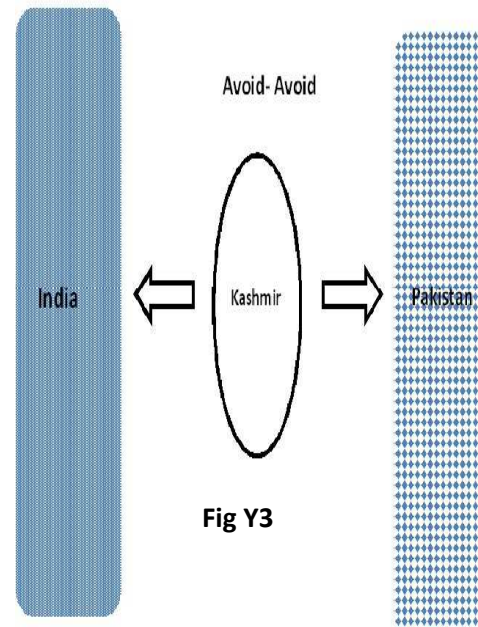
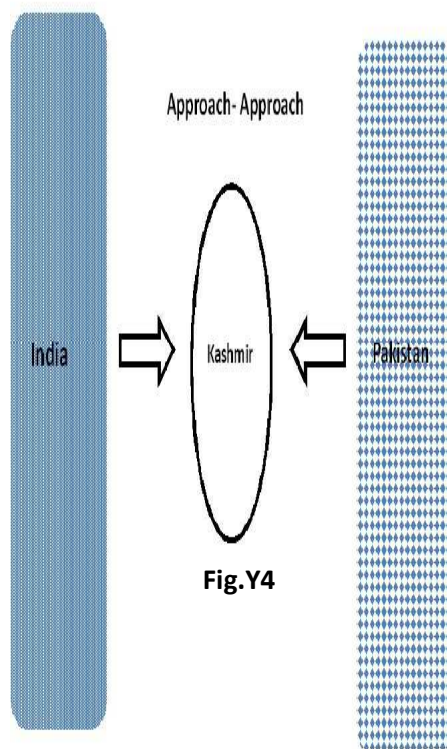


Fig Y3

make it clear here both the countries have talked bilaterally, Kashmir as an example without any progress in the resolution of the dispute.

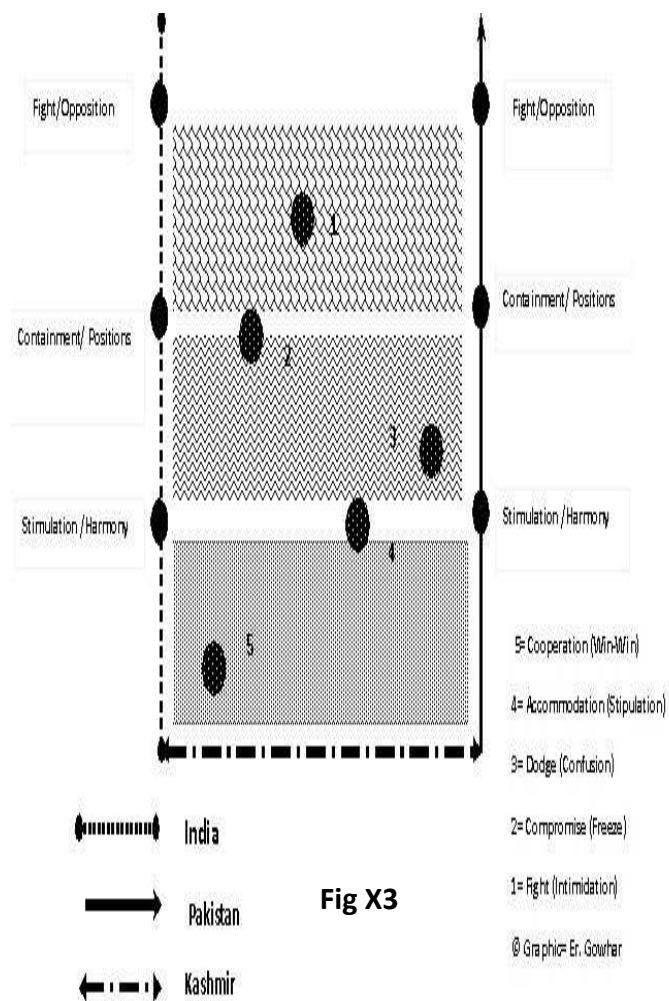
Now, India and Pakistan need to go for the policy of approach-approach tactics to get out from the abysmal situation see, Fig.Y4



India and Pakistan have fought four conventional wars, which has created the situation in Kashmir depicted in Fig.X3 no. 1 and another could be a complete disaster for both because of the nuclear arsenals

While the other dynamics are no. 2 and no. 3 of the same.

If both India and Pakistan will move the situation of no.4 and no.5 of the same fig. the dynamics will be no.4 and no.5



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Yes, there are people who want that Kashmir should be part of Pakistan and similarly there are people who want that Kashmir should be part of India, it is New Delhi and Islamabad who is talking on their behalf, what about common sentiment.

Way Forward

Step 1

- a) Unconditional release of all the detainees languishing in jails, compensate those who have been put in jails and later proved innocent, repealing of draconian laws like Armed Forces Special Powers Act(AFSPA), Public Safety Act(PSA).
- b) All the natural trade routes of Kashmir with the other parts should be thrown open and exchange of goods without any condition, promised through the introduction of SAARC currency on trial basis or promise of third country currency replacing barter trade but special focus on local produce, besides linking cultural and religious sentiments through pilgrimage tourism especially for Urs of Shaikh Noor-Ud-Din Wali^{R.A}, Sharda Peet and other revered shrines on either side of LoC.
- c) Create a special peace zone within Kashmir valley where future dialogues vis-à-vis negotiable settlement of Kashmir dispute shall be discussed— Shaikh Noor –ud-Din^{R.A}, a Sufi Saint of Kashmir has been instrumental for teaching universal brotherhood by means of his Hymns through his disciples, therefore, Charar-e-Sharief, where this Sufi Saint is buried can be the best place for 'Peace Zone',

because of strong temporal depth.

Step 2

- i) Local police personnel on either side should be trained jointly by India and Pakistan for maintenance of effective law and order .
- ii) Making Kashmir valley a neutral zone without any security grid.
- iii) Pulling back all the intelligence resources on either side of LoC and giving a chance for the emergence of indigenously, effective, vibrant, dynamic and honest leadership.
- iv) Granting trio citizenship, so that people of Kashmir on either side can be the citizens of Jammu and Kashmir as per 1941 census records and at the same time people in Indian administered— Kashmir(IaK)can be the citizens of India and can even go to Pakistan with a specific permit (not passport) same applied to people of Pakistan administered Kashmir(PaK) see Fig.Tr.1.

Step 3: Establishing

- I) **Joint Judicial Commission:** Headed

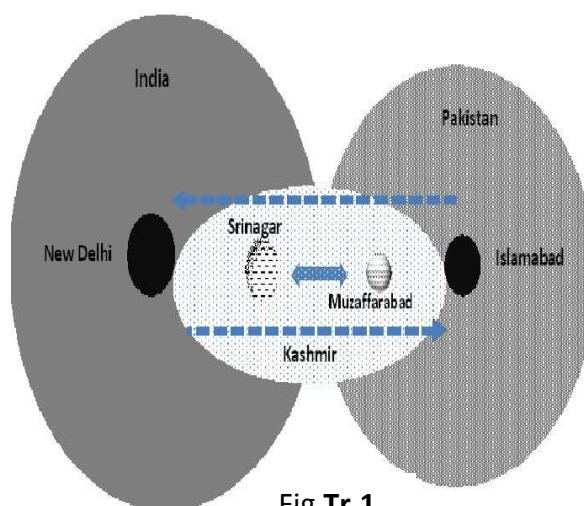


Fig.Tr.1.

by the chairman, a retired reputed judge from Kashmir, members from all the regions like Jammu, Azad Kashmir, visiting members from renowned Human Rights Organisations working locally, monitoring part given to UNHRC, besides, International Human Rights Organisations, like; Human Rights Watch, Amnesty International, Asia Watch etc given the task to probe the issues of custodial killings, unmarked graves, torture and rapes.

II) Joint Education Commission :

Which will look in designing of uniform curriculum and avoid radicalisation among children when they achieve adulthood and the curriculum must address the inherited tradition, customs and culture, besides helping to develop religious harmony and to support intra/inter faith dialogue to usher 'universal brotherhood'. All the schools on either side of LoC should be declared as the 'Zones of Peace', with the introduction of peace education at elementary level along with moral education, including language, besides the medium of instruction as per their mother/ home language.

III) Joint Child Rights Commission: To look into the issues of children, like healthcare, education, vulnerability, orphan- care etc.

IV) Joint Women Empowerment Commission: To look into the problems related to women.

Step 4

- a) Structured demilitarisation on either side of LoC.
- b) Two assemblies should be established on either side to look into the governance part of the respective regions .
- c) Formation of joint quasi parliament in Jammu and Kashmir at Srinagar, representatives from all the regions by means of adult franchise to decide the final course of Kashmir dispute for durable and permanent peace in the region of South Asia.

However, other issues like tourism is per se to situation .

Approaches for conflict resolution see Fig. GY

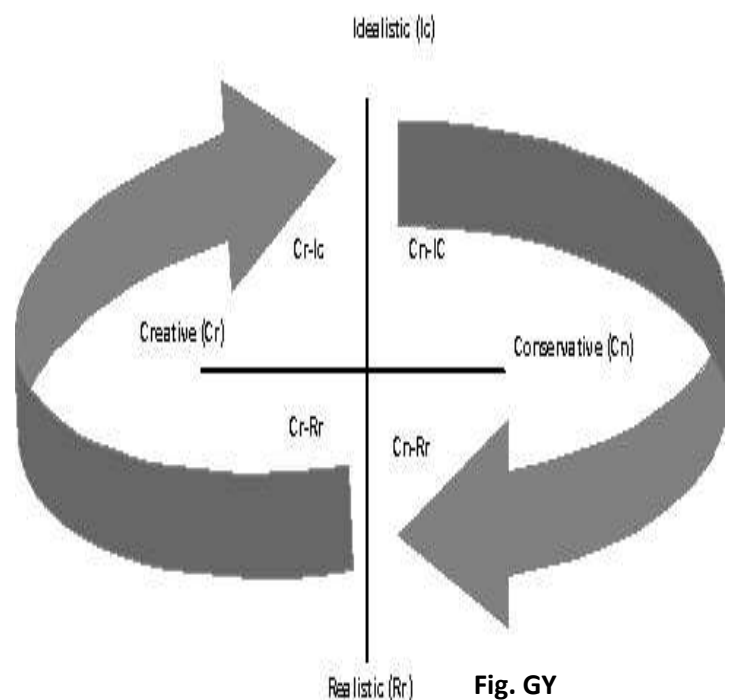


Fig. GY

Acknowledgements

I'm highly indebted to Er. M.J Iqbal, Er. Gowhar Rasool and Dr. Rouf for their generosity and being the part of brainstorming sessions